

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No. 17492 of 2019

and

W.M.P. No. 16970 of 2019

D. Jawahar

... Petitioner

Vs.

1. The Chairman,
Tamilnadu Electricity Board,
800, Anna Salai, Electricity Avenue,
Chennai - 600 002.
2. The Chief Engineer,
Tamilnadu Electricity Board,
800, Anna Salai, Electricity Avenue,
Chennai - 600 002.
3. The Chief Engineer (Transmission - I)
Tamilnadu Electricity Board,
No.A-10, Thiru vi Ka Industrial Estate,
Guindy, Chennai - 600 032.
4. The Superintending Engineer,
Chennai Development Circle - II,
Chennai - 600 002.
Now changed at,
Tamilnadu Electricity Board,
Chennai Development Circle,
No.A-10, Thiru vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed in Pro. No. Memo No.183/SC/CDCII/ADM/A3/FDP/07 dated 11.07.2007 by the Fourth Respondent and to quash the same and consequently direct the Respondents to reinstate the Petitioner.

For Petitioner : Mr. K.M. Subramanian

For Respondents : Mr . P.R. Dilip Kumar

ORDER

The Petitioner has filed this writ petition, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Pro. No. Memo No.183/SC/CDCII/ADM/A3/FDP/07 dated 11.07.2007 by the Fourth Respondent and to quash the same and consequently direct the Respondents to reinstate the Petitioner.

2. Heard Mr. K.M. Subramanian, learned counsel appearing for the Petitioner and Mr. P.R. Dilip Kumar, learned counsel appearing for the Respondents.

3. The case of the Petitioner is that he joined on 08.10.1891 as Assistant Engineer, Tamilnadu Electricity Board, Chennai and he was promoted to the post of Assistant Executive Engineer in the year 2005 while he was working as Assistant Executive Engineer, on 10.07.2007 he was detained in judicial custody since a criminal case in F.I.R. No. 6/2007 has been registered by the Vigilance and Anti-corruption Department for the allegation that he demanded Rs.30,000/- from one S.Muniaswamy as illegal gratification for the purpose of initiating and preparing bills claiming amount due to him from Tamilnadu Electricity Board towards completion of the entrusted construction works. Pursuant to the same, the Petitioner has been suspended vide proceedings dated 11.07.2007 passed by the Fourth Respondent herein. Challenging the suspension order, the Petitioner is before this Court.

4. Though Mr. K.M. Subramanian, learned counsel appearing for the Petitioner assailed the impugned order of suspension on merits of the case describing the Petitioner as innocent and is nothing to do with the bribe amount etc, this Court is not inclined to advert to the same for the reason that in exercise of jurisdiction under article 226 of the Constitution of India, High Court should not be called upon to enquire into the merits of the charge when there is a hierarchy of officers in the disciplinary or conduct rules, to conduct an enquiry and deal with the factual aspects and arrive at a finding. Time and again this Court of the hierarchy as categorically held that the original writ Courts exercising jurisdictionally under Article 226 of the Constitution of India should not interfere with the order of suspension during the pendency of departmental enquiry or criminal case pending against the delinquent unless the Court comes to the conclusion that the order has been mala fide passed or that the suspension order has been passed by the Authority without jurisdiction.

5. A perusal of the suspension order it is relevant that the Petitioner has been involved in a bribe case on the allegation that he has demanded Rs.30,000/- from a contractor as illegal gratification for the purpose of initiating and preparing bills claiming the amount demanded to him from TNEB for completion of constructed works and a case in Crime No. 06 of 2007 has been registered against the Petitioner by the Vigilance and Anti Corruption Department. Therefore in such circumstances this Court is not inclined to interfere with the suspension order since this Court has neither found any malafide in the suspension order nor it has been passed by the incompetent authority.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

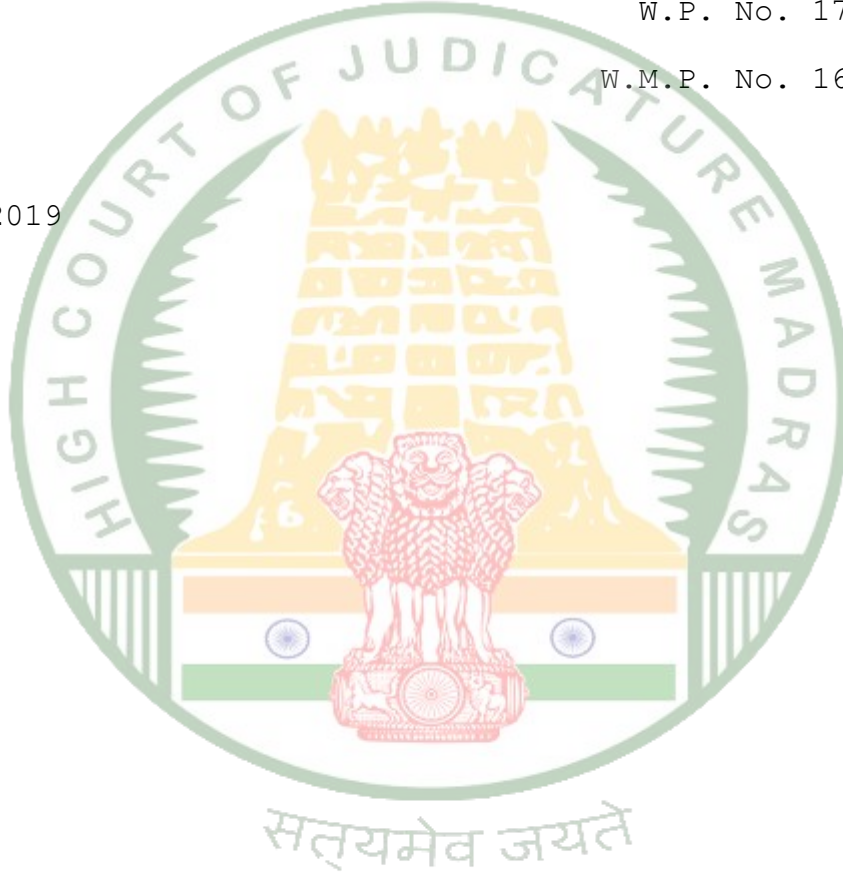
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+lcc to Mr.P.R. Dilip Kumar, Advocate sr.93683

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spd(co)
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